

**Testimony of Barry F. Lowenkron, Assistant Secretary of State
for
Democracy, Human Rights and Labor
before
The House International Relations Subcommittee on Africa,
Global Human Rights and International Operations
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Chairman Smith, Co-Chairman Payne, and Members of the Committee, thank you for holding this hearing to focus attention on the 2005 *Country Reports on Human Rights Practices*, released last week. Your commitment to the Reports is very much appreciated.

I welcome this opportunity to discuss the Reports, as well as the current trends and concerns about how countries across the globe are putting into practice their international commitments on human rights.

I would ask, Mr. Chairman, that the introduction to the 2005 Reports, which provides an overview, be entered into the Record.

At the outset, I also want to thank the Committee for your strong contributions to the promotion of human rights and democracy worldwide, and for your support of the work of my bureau. When I travel overseas and engage foreign officials on our human rights and democracy agenda, as I did in Russia, China and Vietnam in recent months, it greatly strengthens my hand that the Members of this Committee and others in Congress take an active interest in the issues that I raise. I value your counsel and look forward to working closely with you as we press forward this bipartisan agenda, which reflects the fundamental values of the American people.

Let me begin with a few words about the production of the 2005 Reports, and then make some brief observations about their content.

For almost three decades, these Congressionally mandated annual Reports have been an essential element of the concerted efforts of successive Congresses and Administrations to promote respect for human rights worldwide. The Reports serve as a reference document and a foundation for our cooperative action with other governments, organizations and individuals seeking to end human rights abuses and strengthen the capacity of other nations to protect the fundamental rights of all.

As you know, Foreign Service Officers at our overseas posts go to great lengths to gather factual information for the Reports every year. I have a dedicated team in my own bureau in the Office of Country Reports, which spent the better part of the past year working on the 2005 Reports. Many others in my bureau and throughout the Department of State also labored long and hard to ensure that the Reports meet high standards of accuracy and objectivity. The Reports are based on information we received from

governments and multilateral institutions as well as from indigenous and international non-governmental groups, academics, jurists and the media.

The 196 Reports include every member country of the United Nations except, of course, the United States. We do, however, make the point to those who comment on U.S. performance that we consider the human rights record of any government, including our own, to be a legitimate subject for international discussion and debate.

Each Report speaks for itself. However, I will if I may, Mr. Chairman, make six cross-cutting observations based on the Reports as a whole.

First, countries in which power is concentrated in the hands of unaccountable rulers tend to be the world's most systematic human rights violators. These states range from closed, totalitarian systems like North Korea, or brutal military regimes like Burma, that subject their citizens to a wholesale deprivation of their basic rights, to authoritarian systems like Belarus and Zimbabwe in which the exercise of basic rights is severely restricted.

Second, human rights and democracy are closely linked and both are essential to long-term stability and security. Free and democratic nations that respect the rights of their citizens help to lay the foundation for lasting peace. In contrast, states that severely and systematically violate the human rights of their own people are likely to pose threats to neighboring countries and the international community.

Iran is a case in point. In 2005, the Iranian government continued to deprive basic rights to its own people and ignore their desire for responsible, accountable government. At the same time, Tehran continued its dangerous policies of pursuing a nuclear weapons capability, providing support to terrorist organizations, and advocating – including in several public speeches by the new president – for the destruction of Israel.

Burma is another example. Only by Burma's return to the democratic path from which it was wrenched can the basic rights of the Burmese people be realized. The junta refuses to recognize the results of the historic free and fair legislative elections in 1990. The regime's cruel and destructive misrule has inflicted tremendous suffering on the Burmese people and caused or exacerbated a host of ills for its neighbors, from refugee outflows to the spread of infectious diseases and the trafficking of drugs and human beings.

Third, some of the most serious violations of human rights are committed by governments within the context of internal and/or cross-border armed conflicts, such as in Sudan's Darfur region.

As a result of the conflict, by the end of 2005, at least 70,000 civilians had perished, nearly 2 million remained displaced by the fighting, and over 210,000 refugees remained in neighboring Chad. Torture has been widespread and systematic in Darfur, as has been violence against women, including the use of rape as a tool of war. The government and *janjaweed* committed genocide in Darfur during 2005, and, as Secretary Rice has stated, genocide is ongoing there.

The already heartbreaking conditions in Darfur risk becoming even worse. Chad-Sudan cross-border violence has exacerbated the situation. In January 2005, the Sudanese government and the Sudan People's Liberation Movement signed a Comprehensive Peace Agreement (CPA) ending the 22-year North-South civil war, opening the way for the ratification of a new constitution in July 2005 and a government of national unity to serve until elections in 2009. Implementation of the CPA has been mixed and challenges remain. The CPA does, however, provide a framework for resolving conflict throughout Sudan, including Darfur. We welcome the African Union's decision to support a transition of its mission in Sudan to a UN peacekeeping operation, and we will work with the AU and our European partners to begin the transition as soon as possible. Progress must be made now to reach a speedy settlement at the Darfur peace talks in Abuja, Nigeria.

Fourth, where civil society and independent media are under siege, fundamental freedoms are undermined. A robust civil society and independent media help create conditions under which human rights can flourish by raising awareness among publics about their rights, exposing abuses, pressing for reform and holding governments accountable. Governments should defend – not abuse – the peaceful exercise of fundamental freedoms by members of the media and civil society even if they do not agree with their views or actions.

When states wield the law as a political weapon or an instrument of repression against civil society and the media, they rule by law rather than upholding the rule of law. The rule of law acts as a check on state power, i.e. it is a system designed to protect the human rights of the individual against the power of the state. In contrast, rule by law can be an abuse of power, i.e. the manipulation of the law and the judicial system to maintain the power of the rulers over the ruled.

In 2005, a disturbing number of countries from Russia to Venezuela, Zimbabwe to China, passed or selectively applied laws against NGOs and the media, restricting or having a chilling effect on the exercise of fundamental freedoms of expression, association and assembly.

I traveled to Moscow in January at Secretary Rice's behest to deliver a clear message to the Russian Government about our deepening concerns for NGOs. Upon arrival, I was greeted with the news that the NGO law, quietly signed on January 10 by President Putin, had been published that very morning. Over the next two days, I met with Russian and U.S.-based NGOs, Duma committee chairpersons, officials from the Ministry of Foreign Affairs, the Human Rights Ombudsman, the Chair of the Presidential Human Rights Council, and representatives of independent media.

The new law goes into effect April 1, and we will carefully monitor how it is being implemented, as I know this Committee will.

It was obvious to me that many in the Russian Government harbor a deep mistrust of civil society, and especially of organizations that receive foreign funding and are engaged in politically sensitive activities such as human rights monitoring. Earlier this year, President Putin acknowledged the positive contributions of NGOs, but then warned against “foreign puppeteers.” Many Russian officials see our promotion of democracy as part of a zero-sum game of geopolitical influence. I defended the work of NGOs, telling Russian officials that our democracy assistance is designed to help ensure that elections are free and fair, not to pick winners and losers.

As I told my Russian interlocutors, NGOs can support governments and they can criticize governments, but NGOs should never be treated as enemies of governments.

I delivered a similar message in Beijing during my February trip. In meetings with the Ministry of Foreign Affairs, the Ministry of Justice, the Public Security Bureau, the Ministry of Civil Affairs, the State Administration of Religious Affairs and the United Front Work Department, I underscored our deep concern about recent tightened restrictions on NGOs and the harassment and detention of activists seeking to address important social and political issues. Reiterating the message President Bush has delivered to China’s President Hu Jintao, I made the case that NGOs can play a positive role in China’s society and can be a force for stability as well as an important part of China’s continued economic development.

I also raised with Chinese officials the issue of increased restrictions on access to and use of the Internet and pressed for the release of those serving sentences for peacefully expressing their views online. With regard to the 2008 Olympics, I pointed out the obvious -- that the tens of thousands of journalists and tourists who will come to the Games will expect to have free access to information on the Internet as well as to travel unfettered throughout China to tell the world about what is happening there. I urged China to lift all restrictions so that the story of the 2008 Games does not become the steps that China has taken to restrict its citizens’ access to information.

Following my meetings in Beijing, I traveled to Vietnam to resume the U.S – Vietnam Human Rights Dialogue that was suspended in 2002 due to lack of progress by the government of Vietnam. During the discussions, I raised the case of Pham Hong Son, who was convicted of “espionage” for translating an essay on democracy from a Department of State Website. I made it clear to the government of Vietnam that the American people will not understand why a country that wants better relations with the United States would imprison someone for translating an article on democracy. I believe that the Vietnamese domestic Internet demand represents a thirst to enter the globalized world and pressed the government to allow Vietnamese citizens the freedom to use the Internet for peaceful purposes, including political ones, without fearing arrest.

In both Beijing and Hanoi, I cited the February 15 hearing before this Committee on restrictions on Internet freedom as well as the formation, at Secretary Rice’s direction, of the Global Internet Freedom Task Force (GIFT). The GIFT will develop

recommendations for her aimed at maximizing access to the Internet, and minimizing government efforts to block information.

Fifth, democratic elections by themselves do not ensure that human rights will be respected, but they can put a country on the path to reform and lay the groundwork for institutionalizing human rights protections. In 2005, the people of Iraq went to the polls three times and held to democracy's course despite high levels of violence. The men and women of Afghanistan cast their ballots countrywide in the first free legislative elections since 1969, even as the government struggled to expand its authority over provincial centers due to continued insecurity and violent resistance in some quarters. The first post-conflict elections in Liberia resulted in Africa's first elected female head of state, Ellen Johnson Sirleaf, marking a milestone in Liberia's transition from civil war to democracy.

To be sure, violations of human rights and miscarriages of justice can and do occur in democratic countries. No governmental system is without flaws. Human rights conditions in democracies across the globe vary widely and these country reports reflect that fact. In particular, democratic systems with shallow roots and scarce resources can fall far short of meeting their solemn commitments to citizens, including human rights commitments. Democratic transitions can be tumultuous and wrenching. Unbridled corruption can retard democratic development, distort judicial processes and destroy public trust.

The best guarantor of human rights is a thriving democracy with representative, accountable, transparent institutions of government, equal rights under the rule of law, a robust civil society, political pluralism and independent media. To help countries that have chosen democracy institutionalize democratic practices and human rights protections and better deliver on democracy's blessings to their people, the State Department and USAID administer programs that help other countries strengthen their institutions of government and sink deeper roots for the rule of law. We encourage the full participation of all citizens, including women and minorities, in the public life of their countries. We promote political pluralism and level playing fields to help elections meet international standards. And we champion and defend the vital contributions to democracy of independent media and nongovernmental organizations.

Sixth, progress on democratic reform and human rights is neither linear nor guaranteed. As a reading of the various reports will show, some states still have weak institutions of democratic government and continue to struggle; others have yet to fully commit to the democratic process. Steps forward can be marred with irregularities. There can be serious setbacks. Democratically-elected governments do not always govern democratically once in power.

But despite hard realities and high obstacles, there is an increasing worldwide demand for greater personal and political freedom and for the adoption of democratic principles of government. This growing demand derives from the powerful human desire to live in

dignity and liberty, and the personal bravery and tenacity of men and women in every age and in every society who serve and sacrifice for the cause of freedom.

As Secretary Rice has stated: “Fulfilling the promise of the Universal Declaration of Human Rights and building vibrant democracies worldwide is the work of generations, but it is urgent work that cannot be delayed.”

And now, Mr. Chairman and Members of the Committee, I will be happy to try to answer your questions.